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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,840	07/09/2001	Toshihiro Hayata	PNDF-01098	4026
466	7590	08/23/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			FILE, ERIN M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,840

Applicant(s)

HAYATA, TOSHIHIRO

Examiner

Erin M. File

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/3/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The abstract as submitted exceeds 150 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to

comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are, but are not limited to:

On page 3, line 4, the recitation, "...discloses a circuit for rake receive".

On page 6, line 26, the recitation, "...which are different from each other in start timing of receive".

On page 10, line 8, and again in line 19, the recitation, "...circuit devices are provided as hardwares...".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims should be revised carefully in order to comply with 35 U.S.C. 112, second paragraph. Examples of indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention are, but are not limited to:

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Claim 1, the recitation, beginning in line 2, "...sent from an identical sender by a code division multiple access communication system..." is unclear in meaning. It is unknown with what "an identical sender" is identical. The examiner suggests that what is meant is "...sent from identical senders by a code division multiple access communication system...".

Further, the recitation starting in line 11, "...and performing averaging in each search range..." does not sufficiently define what is being averaged in each search range.

Further, the recitation starting in line 18, "...the results of computation for each search range by the correlation value computation means...", *the results of computation* lacks proper antecedent basis.

Claim 2, the recitation, beginning in line 2, "...sent from an identical sender by a code division multiple access communication system..." is unclear in meaning. It is unknown with what "an identical sender" is identical. The examiner suggests that what is meant is "...sent from identical senders by a code division multiple access communication system...".

Further, the recitation starting in line 11, "...and performing averaging in each search range..." does not sufficiently define what is being averaged in each search range.

Further, in the recitation starting in line 18, "...the results of computation for each search range...", *the results of computation* lacks proper antecedent basis.

Claim 4, the "circuit devices for examining the correlation of received signals" as recited beginning in line 2, lacks proper antecedent basis in the parent claim.

Claim 5, the "circuit devices for examining the correlation of received signals" as recited beginning in line 2, lacks proper antecedent basis in the parent claim.

Claim Objections

5. Claims 1-6 are objected to because of the following informalities, which include but are not limited to:

Claim 1, the recitation starting in line 5, "...from each other in start timing of receive..." is grammatically incorrect. The examiner suggests a change to "...from each other in start timing of receiving the signal...".

Further, the recitation starting in line 7, "...which computes a value of correlation between the signal in each search range..." is grammatically incorrect. The examiner suggests a change to "...which compute a correlation value between the signals in each search range..."

Further, the recitation starting in line 5,

Claim 2, the recitation starting in line 5, "...from each other in start timing of receive..." is grammatically incorrect. The examiner suggests a change to "...from each other in start timing of receiving the signal...".

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Further, the recitation starting in line 7, "...which computes a value of correlation between the signal in each search range..." is grammatically incorrect. The examiner suggests a change to "...which compute a correlation value between the signals in each search range...".

Appropriate correction is required.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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